



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 810-00

18 May 2000

From: Chairman, Board for Correction of Naval Records

To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments

(2) Case Summary

(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Naval Reserve, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Bartlett, Swarens, and Hogue reviewed Petitioner's allegations of error and injustice on 17 May 2000, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Enclosure (1) was filed in a timely manner.

c. Petitioner enlisted in the Naval Reserve on 14 January 1997 for eight years at age 20. He was ordered to active duty on 29 January 1997 for a period of three years in the Fireman Apprenticeship Program. He served without incident until 5 April 1997 when he received nonjudicial punishment (NJP) for failure to obey a lawful order by consuming alcoholic beverages while on liberty.

d. Petitioner received a second NJP on 28 October 1998 for failure to go to his appointed place of duty and being incapacitated for duty due to overindulgence of alcohol. Punishment imposed was a suspended reduction in rate to MMFA (E-2), forfeitures of \$539 per month for two months with one month suspended, and 30 days of restriction and extra duty. However, on 2 December 1998, the suspended forfeiture and reduction were vacated and ordered executed.

e. Petitioner was advanced to MMFN again on 16 September 1999 and served without further incident. Incident to his release from active duty, Petitioner was recommended for both advancement and retention. The reporting senior stated that Petitioner was the consummate team player. He was routinely sought after by junior personnel for training and advice. Through his influence, three individuals qualified for various watch stations while on forward deployment. He was a top performer in all respects and should be assigned to the most difficult and challenging of jobs. On 28 January 2000, Petitioner was honorably released from active duty and transferred to the Naval Reserve and assigned an RE-4 reenlistment code.

f. Regulations authorize the assignment of an RE-3R reenlistment code to individuals serving in pay grade E-3 who have failed to meet the professional growth criteria for reenlistment, but who are eligible in all other respects and recommended for advancement and reenlistment. An RE-4 reenlistment code is assigned to individuals who are not recommended for reenlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner that despite two NJPs for relatively minor offenses, his overall performance was consistently rated as "above standards", and he was recommended for both promotion and retention. The Board does not believe Petitioner's overall record of performance warranted the assignment of the most restrictive RE-4 reenlistment code. The Board concludes that it would be appropriate and just to change his reenlistment code to RE-3R.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the RE-4 reenlistment code, on 28 January 2000, to RE-3R. This should include the issuance of a new DD Form 214.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.

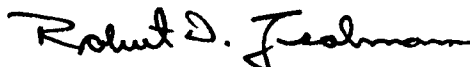
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director